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20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 AMERICAN FEDERATION OF
24 GOVERNMENT EMPLOYEES, AFL-CIO;
25 AMERICAN FEDERATION OF STATE
26 COUNTY AND MUNICIPAL EMPLOYEES,
27 AFL-CIO, et al.,

28 Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, et al.,

Defendants.

Case No. 25-cv-01780-WHA

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO FILE REPLY
BRIEF**

1 Despite having stipulated months ago to the briefing schedule for cross-motions for summary
2 adjudication, pursuant to which Defendants would have 19 days for their reply brief rather than the
3 usual seven days provided by the local rules, Defendants now seek another week for that brief,
4 bringing their total time to 26 days after Plaintiffs' cross-motion opposition was filed on July 24.
5 Plaintiffs oppose this request to the extent it would require the August 28 hearing date to be
6 continued. If the Court is inclined to keep the August 28 hearing date on calendar, Plaintiffs would
7 withdraw their opposition to the requested extension to August 19.

8 Defendants' extension request is notable not for what it says, but for what it does not say.
9 First, the parties negotiated the briefing schedule, which the Court then approved, a schedule that
10 generously accommodated defense counsel's vacation schedules. And now, Defendants neglect to
11 say why Plaintiffs would agree to only two additional days for Defendants' reply brief, rather than the
12 requested seven. As Plaintiffs explained, the usual time under this Court's rules between the
13 completion of briefing and the hearing date is 14 days. Therefore, Plaintiffs offered to agree to an
14 extension that would ensure the motions were fully briefed by August 14, which would be 14 days
15 before the August 28 hearing, but Plaintiffs would not agree to a longer extension that would likely
16 require the hearing date to be continued. Decl. of Eileen B. Goldsmith, ¶¶2-4.

17 Plaintiffs would be prejudiced if the August 28 hearing date is lost due to Defendants'
18 extension request. The permanent injunctive relief sought by Plaintiffs in their motion will provide
19 employees adversely affected by OPM's actions the further and final relief needed to ensure the
20 unlawful terminations challenged in this case do not continue to haunt affected probationary
21 employees in their pursuit of other jobs or unemployment benefits. Every week that passes without
22 permanent relief is compounding these harms. The "press of other business" and counsel's vacations
23 simply are not sufficient reason to delay completing the briefing and hearing of these cross-motions.
24 Again, as noted above, if the extension request can be granted without requiring the August 28
25 hearing to be continued, Plaintiffs would not object.

26 Respectfully submitted,

27 DATED: August 4, 2025

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